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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,907	01/20/2004	Mark W. Kroll	A04P1004	4324

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PACESETTER, INC.
15900 VALLEY VIEW COURT
SYLMAR, CA 91392-9221

EXAMINER	
REIDEL, JESSICA L	

ART UNIT	PAPER NUMBER
3766	

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/761,907	KROLL ET AL.	
	Examiner	Art Unit	
	Jessica L. Reidel	3766	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 January 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) *17-22* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *20 January 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *1/20/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Claims 1-16 in the reply filed on April 12, 2006 is acknowledged.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on January 20, 2004 has been acknowledged and is being considered by the Examiner.

Specification

3. The disclosure is objected to because of the following informalities: there appears to be a typographical error at page 15, line 18. The Examiner suggests changing "via the coronary sinus os for" to "via the coronary sinus ostium for" to provide clarity. Appropriate correction is required.

Claim Objections

4. Claim 14 is objected to because of the following informalities: there appears to be a typographical error in the fourth line of the claim. The Examiner suggests changing "pacing pulses to the right *ventricular* between" to "pacing pulses to the right *ventricle* between". Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: the pacing pulse generation circuitry selectively coupled to a right ventricular coil electrode. Currently, the pacing pulse generation circuitry can not deliver pacing pulses between a ventricular tip electrode and a right ventricular coil electrode as claimed, because the pacing pulse generation circuitry is not claimed to be coupled to a right ventricular coil electrode.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 1 and 3 rejected under 35 U.S.C. 103(a) as being unpatentable over Pilz et al. (U.S. 6,044,295) (herein Pilz). Pilz discloses an implantable prophylactic pacemaker/defibrillation device (see Pilz Fig. 1, Abstract, column 1, lines 12-17 and column 5, lines 43-45) comprising a pacemaker circuit, read as pacing pulse generation circuitry 7, a high-current circuit for charging shock capacitors, read as defibrillation shock generation circuitry 5 including a shock capacitor (see Pilz Fig. 1 and column 6, lines 1-6), a Li/I battery, read as a first power source 1 operative to provide power for the pacing pulse generation circuitry 7 and a

$LiMnO_2$ battery, read as a second power source 2 operative to provide power for the defibrillation shock generation circuitry 5 as long as the first battery still has enough power to operate the pacing pulse generation circuitry 7 (see Pilz Fig. 1, Abstract, column 2, lines 40-44 and lines 61-65, column 3, lines 35-67, column 4, lines 1-10 and column 5, lines 45-64).

The Examiner notes that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In the instant case, the implantable prophylactic pacemaker/defibrillation device of Pilz is capable of providing sufficient power for delivering defibrillation shocks only in response to a single episode of ventricular fibrillation.

The Examiner takes the position that the defibrillation shock generation circuitry 5 of Pilz includes non-reformation based charging circuitry operative to charge the shock capacitor using the second power source 2 for delivering the defibrillation shocks without prior capacitor reformation since no reformation of the shocking capacitors is disclosed (see Pilz column 6, lines 1-4). Pilz discloses the claimed invention as discussed above except that it is not specified that the shocking capacitor is an aluminum oxide capacitor. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device as taught by Pilz, with an aluminum oxide shocking capacitor since it was known in the art that aluminum oxide capacitors are used to provide high energy output in shocking circuitry. It addition, Applicant discloses at page 2, paragraph 4 that the use of aluminum oxide capacitors is well known in the implantable pacemaker/defibrillator art.

10. Claims 1-2, 5, 7 and 9 rejected under 35 U.S.C. 103(a) as being unpatentable over Pilz in view of Norton et al. (U.S. 2004/0243183) (herein Norton). As to Claims 1-2, Pilz discloses an implantable prophylactic pacemaker/defibrillation device (see Pilz Fig. 1, Abstract, column 1, lines 12-17 and column 5, lines 43-45) comprising a pacemaker circuit, read as pacing pulse generation circuitry 7, a high-current circuit for charging shock capacitors, read as defibrillation shock generation circuitry 5 including a shock capacitor (see Pilz Fig. 1 and column 6, lines 1-6), a Li/I battery, read as a first power source 1 operative to provide power for the pacing pulse generation circuitry 7 and a $LiMnO_2$ battery, read as a second power source 2 operative to provide power for the defibrillation shock generation circuitry 5 as long as the first battery still has enough power to operate the pacing pulse generation circuitry 7 (see Pilz Fig. 1, Abstract, column 2, lines 40-44 and lines 61-65, column 3, lines 35-67, column 4, lines 1-10 and column 5, lines 45-64).

The Examiner notes that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In the instant case, the implantable prophylactic pacemaker/defibrillation device of Pilz is capable of providing sufficient power for delivering defibrillation shocks only in response to a single episode of ventricular fibrillation. Pilz discloses the claimed invention as discussed above except it is not specified that the defibrillation shock generation circuitry including non-reformation based charging circuitry charges a tantalum capacitor without prior capacitor reformation.

Norton, however, discloses an implantable medical device, such as a defibrillator (see Norton Fig. 1) including a tantalum capacitor, which does not require any prior capacitor reformation (see Norton page 1, paragraphs 12-15). Norton further discloses that an implantable defibrillator that uses a tantalum capacitor that does not require any prior capacitor reformation providing an implantable medical device that has extended battery life (due to the elimination of non-therapeutic charging) and greatly improved efficiency of capacitor charging (see Norton page 1, paragraphs 2, 5, 7 and 15, page 2, paragraphs 16, 26-29 and pages 3-4, paragraph 51). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Pilz in view of Norton to include non reformation based defibrillation generation circuitry with a tantalum capacitor in order to extend battery life and greatly improve efficiency of capacitor charging.

11. As to claim 5, it has been held that the recitation that an element is "capable of" performing a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison,* 69 USPQ 138. Pilz discloses that the defibrillation shock generation circuitry 7 and the second power source 2 is capable of providing up to 12 individual shocks before the first power source 1 has been depleted of its energy (see Pilz column 5, lines 55-60). The Examiner takes the position that Pilz is thusly "capable of " delivering up to six defibrillation shocks in response to a single episode of ventricular fibrillation.

12. As to Claim 7, Pilz discloses that the first power source 1 is a low rate (i.e. low current requirement), long life power source (approximately 4.85 years) and that the second power

source 2 is a high rate (i.e. high current requirement), short life power source (approximately 1.35 years) (see Pilz column 2, lines 40-44 and column 5, lines 55-64).

13. As to Claim 9, Pilz discloses that the implantable prophylactic pacemaker/defibrillation device further comprises control circuitry 4 operative to control the pacing pulse generation circuitry 7 and the defibrillation shock generation circuitry 7 and that the first power source 1 additionally provides power for the control circuitry 4 (see Pilz column 5, lines 55-67 and column 6, lines 1-13).

14. Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pilz in view of Norton as applied to claim 1 above, and further in view of Official Notice. As to Claim 4, the previously modified Pilz reference discloses the claimed invention as discussed above except that it is not specified that the defibrillation shock generation circuitry and the second power source are configured to slowly charge the capacitor over a period of time not less than 11 seconds prior to delivery of a first defibrillation shock. The Examiner takes Official Notice that it is well known in the art of implantable defibrillators to slowly charge defibrillation capacitors over a period of time not less than 11 seconds and usually not greater than 30 seconds to allow the capacitors sufficient time to fully charge without unnecessarily over-draining the battery and without taking too long to treat an episode of fibrillation. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the defibrillation shock generation circuitry and second battery of Pilz in view of Norton and Official Notice to slowly charge the capacitor over a period of time not less than 11 seconds prior to delivery of a first defibrillation shock in order to provide adequate capacitor charging time

without taking too long to treat the fibrillation and without excessive drain on the second power source.

15. As to Claim 6, the previously modified Pilz reference discloses the claimed invention as discussed above except that it is not specified that the individual defibrillation shocks have energies in the range of 10 to 40 joules. The Examiner takes Official Notice that it is well known in the art of implantable defibrillators for defibrillation shocks to have energies in the range of 10 to 40 joules in order to expose the patient to the smallest amount of energy possible (to minimize discomfort) while maintaining a high probability of terminating an arrhythmia with the shock. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the defibrillation shock generation circuitry and second battery of Pilz in view of Norton and Official Notice to provide individual shocks having energies in the range of 10 to 40 joules in order to expose the patient to the smallest amount of energy possible (to minimize discomfort) while maintaining a high probability of terminating an arrhythmia with each individual shock.

16. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pilz in view of Norton as applied to claims 1 and 7 above, and further in view of Marincic et al. (U.S. 5,558,962) (herein Marincic). Pilz discloses that the second power souce is a lithium manganese dioxide ($LiMnO_2$) power source (see Pilz column 5, lines 49-54). Applicant differs from the previously modified Pilz reference in that the first power source is a polycarbon monofluoride (CF_X) power source (as opposed to the Li/I first power source of Pilz). The Examiner considers the use of CF_X power sources in implantable medical devices to be conventional and well known in the art with Marincic being but one example. Marincic discloses a highly reliable solid CF_X

cathode power source for use in a wide range of electronic devices designed for surgical implantation into humans or animals (see Marincic column 1, lines 9-56). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the first power source of Pilz in view of Norton to be a polycarbon monofluoride (CF_X) power source in order to provide a highly reliable power source capable of providing an adequate amount of current and voltage for an extended period of time.

17. Claims 10 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pilz in view of Norton as applied to claim 1 above, and further in view of Anderson et al. (U.S. 5,376,103) (herein Anderson). The previously modified Pilz reference discloses the claimed invention as discussed above except that it is not specified that the defibrillation shock generation circuitry is selectively coupled to a right ventricular coil electrode and a device housing electrode for delivering a ventricular defibrillation shock to the heart of a patient.

Anderson, however, discloses an implantable defibrillator pulse generator 32 which utilizes the metal case as an electrode and is operative to selectively supply unique patters of monophasic, biphasic or pairs of electrical pulses to coil electrodes located at the right ventricular apex (RVA) and at the superior vena cava (SVC). Anderson discloses that such an implantable defibrillator pulse generator 32 which can selectively apply pulses between the right ventricular apex coil electrode (which is capable of directing current through the bulk of the right ventricle), the housing electrode and the SVC electrode provides a wide range of polarity pattern and discharge-axis options for sequential defibrillation pulses, while eliminating the need for a subcutaneous-patch electrode (see Anderson Abstract, column 4, lines 45-58, column 6, lines 19-68 and column 7, lines 1-7). Therefore, it would have been obvious to one having ordinary

skill in the art at the time the invention was made to modify defibrillation shock generation circuitry of Pilz in view of Norton and Anderson to selectively couple a right ventricular coil electrode, a SVC coil electrode and a device housing electrode for delivering ventricular defibrillation shocks to the heart of a patient in order to provide a highly effective polarity pattern and discharge-axis useful in sequential defibrillation shock techniques and to eliminate the need for a subcutaneous-patch electrode to better the invention.

18. Claims 11, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pilz in view of Norton and Anderson as applied to claims 1 and 10 above, and further in view of Schuelke et al. (U.S. 5,755,742) (herein Schuelke). As to Claim 11, the previously modified Pilz reference discloses the claimed invention as discussed above except it is not specified that the pacing pulse generation circuitry is selectively coupled to ventricular tip and ring electrodes and right atrial tip and ring electrodes for delivering pacing pulses to the heart of a patient.

Schuelke, however, teaches that it is well known for an implantable pacemaker/cardioverter/defibrillator 100 to be capable of selectively applying pacing/cardioversion/defibrillation pulses/shocks between different electrode configurations. Schuelke further teaches that it is well known in the art to selectively couple ventricular tip 126 and ring 124 electrodes and right atrial tip 148 and ring electrodes 144 for delivering pacing pulses to the either the ventricle or the atrium of a patient (see Schuelke Figs. 1-2, column 6, lines 32-67, column 7, lines 1-46 and lines 58-67 and column 8, lines 1-16). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the pacing generation circuitry of Pilz in view of Norton, Anderson and Schuelke to selectively couple ventricular tip and ring electrodes and right atrial tip and ring electrodes for delivering

pacing pulses to both the atrium and the ventricle of a patient to better the inventions capabilities of eliminating rhythm disturbances occurring in either the atrium or ventricle.

19. As to Claim 13, the previously modified Pilz reference discloses the claimed invention as discussed above except that it is not specified that the pacing pulse generation circuitry is configured to hold the ventricular and atrial ring electrodes at a voltage equal to that of the right ventricular coil. It would have been obvious to one having ordinary skill in the art at the time the invention was made to hold the ventricular and atrial ring electrodes at a voltage equal to that of the right ventricular coil, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art.

20. As to Claim 14, the previously modified Pilz reference discloses the claimed invention as discussed above except that it is not specified that the pacing pulse generation circuitry is configured to provide pacing pulses between a right ventricular tip electrode and a right ventricular coil electrode. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the pacing pulse generation circuitry of Pilz in view of Norton, Anderson and Schuelke to selectively supply pacing pulses between a right ventricular tip electrode and a right ventricular coil electrode since it was known in the art that such a modification is used to either provide a large area of electrical pacing pulses (provided by the large surface are of the coil) or to provide a backup ventricular pacing modality in case the conductor connecting the right ventricular tip electrode becomes damaged and is no longer capable of adequately pacing the ventricle.

21. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pilz in view of Norton, Anderson and Schuelke applied to claims 1, 10 and 11 above, and further in view of

Regna (U.S. 4,796,630). The previously modified Pilz reference discloses the claimed invention as discussed above except it is not specified that shunt diodes interconnect the right ventricular tip and ring electrodes and right atrial tip and ring electrodes, respectively.

Regna, however, discloses a cardiac pacemaker that has combined defibrillation and electrosurgery protection (see Regna Abstract). Regna further discloses that a protection circuit interposed between a tip 36 and ring 38 electrodes including a zenor diode, read as a shunt diode 42 (see Regna Fig. 2 and column 3, lines 1-11). Regna further discloses that such a protection circuit may be utilized with a dual chamber pacemaker and that the shunt diode 42 protects the pacing circuitry from any defibrillation shock energies that may be applied across the heart of the patient (see Regna column 1, lines 35-52 and column 3, lines 50-60). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Pilz in view of Norton, Anderson and Schuelke to include shunt diodes interconnected between the right ventricular tip and ring electrodes and right atrial tip and ring electrodes, respectively in order to provide defibrillation and electrosurgery protection to the pacing pulse generation circuitry.

Double Patenting

22. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined

application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

23. Claims 1-16 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-16 of copending Application No. 10/761,981 in view of Norton. Specifically, claims 1-16 of Application No. 10/761,981 disclose identical limitations as the claims in the current application except that it is not specified that the defibrillation shock generation circuitry include non-reformation based charging circuitry.

Norton, however, discloses an implantable medical device, such as a defibrillator (see Norton Fig. 1) including a tantalum capacitor, which does not require any prior capacitor reformation (see Norton page 1, paragraphs 12-15). Norton further discloses that an implantable

defibrillator that uses a tantalum capacitor that does not require any prior capacitor reformation providing an implantable medical device that has extended battery life (due to the elimination of non-therapeutic charging) and greatly improved efficiency of capacitor charging (see Norton page 1, paragraphs 2, 5, 7 and 15, page 2, paragraphs 16, 26-29 and pages 3-4, paragraph 51). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the claims of Application No. 10/761,981 in view of Norton to include non reformation based defibrillation generation circuitry with a tantalum capacitor in order to extend battery life and greatly improve efficiency of capacitor charging.

This is a provisional obviousness-type double patenting rejection.

Conclusion

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Causey, III (U.S. 5,554,174) is one example in the art of implantable defibrillators that teaches that typical defibrillation energies range from about 10 joules to about 40 joules and it is desirable to expose the patient to the least amount of energy and the least number of shocks while maintaining a high probability of terminating the arrhythmia (see Causey III column 2, lines 1-8 and column 5, lines 46-60).

Feger (U.S. 6,562,255) is one example that teaches that electrolytic capacitors are used in implantable cardioverter/defibrillators because they have the most nearly ideal properties in terms of size, reliability and ability to withstand relatively high voltage. Feger further discloses that such conventional electrolytic capacitors include an etched aluminum foil anode, an aluminum foil or film cathode, and an interposed kraft paper or fabric gauze separator

impregnated with a solvent-based liquid electrolyte. Feger also discloses that while aluminum is the preferred metal for the anode plates, other metals such as tantalum, magnesium, titanium, niobium, zirconium and zinc may be used (see Feger column 1, lines 30-39).

Keimel (U.S. 5,591,212) is one example in the implantable defibrillation art which teaches that typical capacitor charging times for an implantable defibrillator are between 5 and 30 seconds, preferably between 5 and 20 seconds (see Keimel column 2, lines 57-61 and column 4, lines 50-56).

MacFarlane et al. (U.S. 4,942,501) is one example that teaches that it is well known in the art of electrolytic capacitors usable in implantable medical devices, such as implantable cardioverters and defibrillators, to manufacture the anode of the capacitor in the form of a metal foil, the metal selected from a class of metals such as aluminum, tantalum, niobium, tungsten or other anodic metals (see MacFarlane et al. column 5, lines 14-21).

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica L. Reidel whose telephone number is (571) 272-2129. The examiner can normally be reached on Mon-Thurs 8:00-5:30, every other Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jessica L. Reidel 04/16/06
Examiner
Art Unit 3766

ROBERT E. PEZZUTO
SUPERVISORY PRIMARY EXAMINER